

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

ERIC DRAKE

CIVIL ACTION NO. 06-0979

VERSUS

JUDGE S. MAURICE HICKS, JR

EDGAR LYNN ROGERS

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is "Plaintiff's Request For Ex Parte Temporary Restraining Order And Waiver Of Security Bond." See Record Document 3. To obtain the relief he seeks, Plaintiff would have to show (1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury absent an injunction, (3) that the threatened injury would exceed any harm that would flow from the injunction, and (4) that the injunction would not undermine the public interest. See Walgreen Co. v. Hood, 275 F.3d 475, 477 (5th Cir. 2001). Because Plaintiff has failed to make such a showing, his motion for a temporary restraining order (Record Document 3) is **DENIED**.

Plaintiff is hereby ordered to serve the Defendant with the Complaint (Record Document 1) and the "Request For Ex Parte Temporary Restraining Order And Waiver Of Security Bond" (Record Document 3) in accordance with the Federal Rules of Civil Procedure, and to file proof of such service in the record. Once the Defendant has appeared, the Court will take up further proceedings regarding Plaintiff's Motion for a Preliminary and Permanent Injunction.

IT IS SO ORDERED.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 13th day of June, 2006.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE